

**REMARKS**

The application has been reviewed in light of the Office Action dated October 12, 2006. Claims 2-13 are pending in this application, with claims 3, 4, 12 and 13 being in independent form. Claim 7 has been withdrawn from consideration. By the present Amendment, claims 2-4, 8 and 10-12 have been amended and claim 1 has been canceled. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-13 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent 5,112,034 to Uto et al. Claims 1-13 were also rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent Publication 2002/0014733 to Miyake et al. Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits independent claims 3, 4, 12 and 13 are patentably distinct from the cited art, for at least the following reasons.

Independent claim 3 relates to a sheet processing apparatus, comprising a first roller pair conveying a sheet received from an external apparatus, a second roller pair conveying the sheet conveyed from the first roller pair, a jogging tray configured to receive the sheet conveyed from the second roller pair and jog the received sheet and a binding device configured to bind a stack of sheets received and jogged by the jogging tray. The second roller pair can be driven to rotate such that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray. The second roller pair is driven to rotate at a circumferential speed that is slower than that of the first roller pair so that sheets conveyed by the first roller pair one after another are pinched by the second roller

pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray.

Uto et al., as understood by Applicant, relates to a sheet handling apparatus. A sheet P is guided through folder unit 400 by rollers 15 (allegedly corresponding to Applicant's claimed first roller pair). The sheet P is then guided into the sheet entrance 6 of finisher unit 500 by the rollers 25 and 26 (allegedly corresponding to Applicant's claimed second roller pair). The sheet P can then be guided into a first stapler path 53a or a second stapler path 54 by deflector 52.

However, Applicant finds no teaching or suggestion in Uto et al. that the second roller pair can be driven to rotate such that sheets received from the external apparatus and conveyed by the first roller pair one after another *are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray*, as recited in independent claims 3, 4 and 12.

Miyake et al., as understood by Applicant, relates to a sheet process device capable of performing a sheaf discharge operation to discharge sheaves of sheets stacked on a process tray to a stack tray. One or more sheets can be wound around buffer roller 505. The plural sheets can then be separated and guided to sort path 522.

However, Applicant finds no teaching or suggestion in Uto et al. or Miyake et al. wherein *the second roller pair is driven to rotate at a circumferential speed that is slower than that of the first roller pair* so that sheets conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another

with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray, as also recited in independent claim 3 and 12.

Applicant also finds no teaching or suggestion in Uto et al. and Miyake et al. wherein when the binding step is being performed, *the second roller pair rotates at a decreased circumferential speed* so that sheets received from the external apparatus and conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, the stacked sheets being held by the second roller pair to be further conveyed to the jogging tray, as recited in independent claim 13.

Applicant also finds no teaching or suggestion in Uto et al. and Miyake et al. wherein an open area is provided to the conveying path so that when the second roller pair is driven to rotate such that sheets conveyed by the first roller pair one after another are pinched by the second roller pair one after another while being overlapped and stacked one upon another with leading edges thereof shifted stepwise one after another, a trailing edge of each of the sheets conveyed by the first roller pair one after another *can retreat from the conveying path to the open area* after the sheet has been pinched by the second roller pair, as recited in independent claim 4.

Accordingly, Applicant submits independent claims 3, 4, 12 and 13 are patentably distinct from the cited art.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard F. Jaworski", is written over a horizontal line.

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